

**Remarks**

Claims 1 to 40 were pending. By this Amendment, claims 1 to 3, 7 to 9, 13 to 15, 19 to 21, 25 to 27, and 36 to 40 have been cancelled and claims 4, 6, 22 to 24, and 28 to 34 have been amended. No new matter is presented by the amendments and entry is respectfully requested. Accordingly, claims 3 to 6, 10 to 12, 16 to 18, 22 to 24, and 28 to 35, as amended, are now pending.

The Examiner maintained the rejection of claims 1 to 3, 7 to 12, 19 to 21, 25 to 27, and 31 to 33 under 35 U.S.C. § 103(a) as allegedly unpatentable over Banholzer I or Banholzer II. In addition, the Examiner maintained the obviousness-type double patenting rejections of claims 1 to 3, 7 to 12, 19 to 21, 25 to 27, and 31 to 33 over claims 1 to 14 of Banholzer I and claims 1 to 10 of Banholzer II.

In response, applicants have cancelled claims 1 to 3, 7 to 9, 19 to 21, and 25 to 27 and amended claims 31 to 34. Applicants maintain that claims 10 to 12 are allowable as they are dependent from allowable claims 4 to 6, which is a presumed typographical error for claims 13 to 15. Accordingly, applicants have instead cancelled claims 13 to 15. Applicants maintain that such amendments and remarks render the Examiner's rejections moot. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw the rejections.

The Examiner also rejected claims 19 to 24 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement and claims 19 to 30 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement for certain recited diseases.

In response, applicants have amended claims 19 to 30 and maintain that such amendments render the Examiner's rejections moot. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw these rejections.

In addition, the Examiner imposed an obviousness-type double patenting rejection of claims 1 to 12 and 19 to 35 over claims 1 to 9 and 11 to 24 of U.S. Patent No. 6,706,726 in view of Banholzer WO 92/16528.

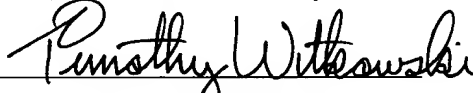
Serial No. 09/965,766  
Amendment dated July 27, 2004  
Reply to Office Action dated April 5, 2004

In response, applicants maintain that the amendments and remarks render the Examiner's rejection moot. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw the rejection.

Applicants herewith request that claims 16 to 18 be rejoined as they are allowable over the art as dependent claims.

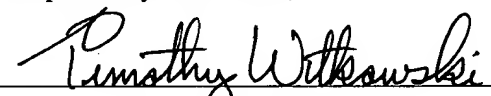
Applicants submit that all the pending claims are allowable and respectfully solicit a Notice of Allowance for all of the pending claims. If the Examiner feels that a telephone interview would be helpful in advancing prosecution of this application, the Examiner is invited to contact the attorney below.

**Certificate of Mailing Under 37 C.F.R. § 1.8(a)**  
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 27, 2004.

  
Timothy X. Witkowski  
Registration No. 40,232

7-27-2004  
Dated

Respectfully submitted,

  
Timothy X. Witkowski  
Registration No. 40,232  
Attorney for Applicants

BOEHRINGER INGELHEIM CORPORATION  
Patent Department  
900 Ridgebury Road/P.O. Box 368  
Ridgefield, CT 06877  
Telephone: (203) 798-4310  
Facsimile: (203) 798-4408